

UNITED STATES OF AMERICA)
)
 v.) CRIM. CASE NO. 2:20-cr-38-ECM
)
 CORDARELL UPSHAW)

The Act excludes, however, certain delays from the seventy-day period, including delays based on “findings that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial.” 18 U.S.C. § 3161(h)(7)(A). In determining whether to grant a continuance under § 3161(h)(7), the court

“shall consider,” among other factors, whether denial of a continuance would likely “result in a miscarriage of justice,” or “would deny counsel for the defendant . . . the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.” § 3161(h)(7)(B)(i), (iv).

Due to the Coronavirus Disease 2019 (COVID-19) which creates an increased threat to the health and safety of all trial participants, coupled with the recent increase in COVID-19 cases in this district, and the recent initiation of COVID-19 vaccinations, the Court concludes that the ends of justice served by continuing this trial until the April 12, 2021 trial term outweigh the best interest of the public and the Defendant in a speedy trial. Neither the Defendant nor the Government oppose this continuance. Thus, for good cause, it is

ORDERED that jury selection and trial in this case are CONTINUED from February 1, 2021 to the criminal term of court commencing on April 12, 2021 at 10:00 a.m. in Montgomery, Alabama. All deadlines tied to the trial date are adjusted accordingly.

The United States Magistrate Judge shall conduct a pretrial conference prior to the April trial term.

Done this 21st day of January, 2021.

/s/Emily C. Marks
EMILY C. MARKS
CHIEF UNITED STATES DISTRICT JUDGE